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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the Federation of Associations
of Former International Civil Servants, a non-governmental
organization in consultative status (category II)

The Secretary-General has received the following communication which
is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[28 January 1991]

INDEPENDENCE AND SECURITY OF INTERNATIONAL OFFICIALS

1. Under the auspices of the Federation of Associations of Former International Civil Servants (FAFICS), a number of former executive heads of the United Nations system have adopted a statement on the independence and security of international officials.
2. FAFICS has the honour of submitting this statement to the Commission on Human Rights.

Statement by Former Executive Heads

3. We, who have served as executive heads of agencies of the United Nations family, express our grave concern at the continuing assaults against the independence of the international civil service.
4. Today, more than ever, it has become clear that there is no alternative to the United Nations family of organizations for seeking solutions to the problems that arise in every field of human endeavour in an increasingly interdependent world.

5. To carry out its tasks effectively, the United Nations system must have the confidence and respect of its Member States. It can only earn this confidence if the organizations are, and are seen to be, impartial and free from the influence of any one country or group of countries. This means in essence an independent international civil service.

6. It is for this self-evident reason that we have on many occasions stressed the importance of an independent international civil service and the General Assembly has adopted a series of resolutions on the subject. That these principles continue to be violated and executive heads and staff members continue to be subjected to undue influence is disquieting, harmful and deplorable.

7. As we have on occasions been exposed to such undue pressures, we know from personal experience how detrimental they can be to the proper functioning of international organizations and thus to the cause of international co-operation.

8. Pressure is exercised for a variety of purposes but most often in personnel matters, such as imposing or proscribing the appointment of an official. An added threat to independence is the detention and arrest of international officials while performing their duties; in some cases, aggression against the international civil service has gone to the ultimate limit: assassination. We cannot condemn these practices too strongly.

9. None of this detracts from the legitimate interest that Member States have in the proper staffing of international organizations, but in their own best interest, our purpose is to seek respect for the Charter provision enjoining Member States to "respect the exclusively international character of the responsibilities of the Secretary-General" [and all executive heads] "and the staff and not to seek to influence them in the discharge of their responsibilities". Nothing could be clearer; nothing is more important.

Signed by:

Francis Blanchard, former Director-General, International Labour Organisation (ILO).

Addeke H. Boerma, former Director-General, Food and Agriculture Organization (FAO).

Poul Hartling, former United Nations High Commissioner for Refugees (UNHCR).

Abderrahman Khene, former Director-General, United Nations Industrial Development Organization (UNIDO).

Halfdan Mahler, former Director-General, World Health Organization (WHO).

Sadruddin Aga Khan, former United Nations High Commissioner for Refugees (UNHCR).



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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER
DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Habitat International Coalition,
a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 February 1991]

1. Habitat International Coalition would like to draw the attention of the Commission to the global practice of forced evictions - a practice which clearly violates a number of internationally recognized human rights, in particular the right to adequate housing. It should be recalled that the Committee on Economic, Social and Cultural Rights declared in very clear terms that "the right to housing can be subject to violation ... especially in the context of evictions" and "pursuant to the right to housing, people should be free from threats of eviction or deportation, demolition of their homes or any other form of persecution or harassment". 1/

2. Evictions - defined as the removal of a person, family or group from their home(s) against their will, almost always involving coercion or force and often carried out arbitrarily - affect literally millions of persons

annually. Evictions can be mass in scope, sometimes medium-scale, and may also affect single individuals, families or households.

3. The following illustrative recent examples of the various manifestations which evictions can take reveal both the severity and magnitude of this issue, an issue of human rights yet to be satisfactorily addressed by the Commission - however, one which clearly requires immediate and serious international attention.

Evictions to "beautify cities"

4. In preparation for the celebrations surrounding the 500th anniversary of Columbus' landing in the region, over 15,000 families (at least 100,000 persons) have been forcibly removed from their homes in the cities of Santo Domingo and Santiago, in the Dominican Republic. 2/ The communities most severely affected are: la zona del Faro a Colón (3,800 families); Villa Juana y Villa Consuelo (3,500 families); el Hoyo de Chulín, la 70, la Chivera y La Zurza (3,500 families); Guachupita, La Ciénaga y La Marina (1,600 families); San Carlos y Villa Francisca (1,500 families); Los Cartones y la Prolongación José Contreras (1,200 families) and Sabana Perdida (1,000 families). The vast majority of evictees received no warning or compensation.

5. In December 1990, the United Nations Committee on Economic, Social and Cultural Rights declared the Dominican Republic to be in violation of article 11 of the Covenant on Economic, Social and Cultural Rights because of this eviction programme (see the Committee's report on its fifth session).

6. On 2 May 1990, 48 families were forcibly evicted in Paris, France by a massive police force far outnumbering the inhabitants of the building. The families have camped out in the nearby Place de la Réunion, demanding that their right to safe and affordable housing be fulfilled. 3/

Evictions for "urban redevelopment"

7. Between 17 and 21 April 1990, more than 1,000 families were evicted from the P.D'Mello Road in Bombay, India. The Bombay Municipal Authority with full police force demolished the hutments of these families without legal notice or any form of compensation, even though the families had lived on the affected site for several years. The pavements where the 5,000 people were living were immediately dug up following the destruction of the huts to prevent the resettlement of the families there. In another city, Calcutta, more than 50,000 people were evicted between 1983 and 1988. 4/

8. On 18 May 1990, more than 2,000 people were violently evicted from the squatter settlement Muoroto in Nairobi, Kenya. During the ensuing violence, seven people were killed and dozens injured. Women and children were beaten by policemen while bulldozers razed the settlement to the ground. 5/

Evictions due to "overcrowding"

9. In July 1990 the Government of Morocco announced that 100,000 citizens from the ancient city of Fez would have to leave, under the pretext that the city is "overcrowded and falling into decay". 6/ In Casablanca, a fire of suspicious origin destroyed the bidonville "Ben Msik" on 16 July 1990. One person was killed and 14 wounded, with hundreds left homeless. 7/

Evictions for purposes of political control

10. As many as 500,000 persons have been evicted from their homes since 1988, mostly from Rangoon, Myanmar. Soldiers force evictees to pack their belongings and then transport them to seriously inadequate and poorly equipped "resettlement sites" established by the Committee for the Restoration of Law and Order. Although the Government claims the evictions are intended to benefit the people, most analysts believe military and political control are the actual rationale behind these acts. 8/

Evictions justified due to "flooding and heavy rains"

11. Following heavy rains in the Maroko district of Lagos, Nigeria the Government issued an eviction order on 6 July 1990, resulting one week later on 13 July in the forcible eviction of over 300,000 persons. The bidonville Maroko had existed since 1958. Since this massive eviction, only severely inadequate arrangements have been made for relocation or compensation. Most victims of the eviction remain essentially homeless. 9/

Evictions due to armed conflict and by foreign military forces

12. Thousands of Panama's poorest citizens were displaced from their homes during the invasion of Panama by the United States in December 1989, as a result of both bombing and subsequent bulldozing. Particularly hard hit were the communities of El Chorrillo and San Miguelito. Half of El Chorrillo - which had a pre-invasion population of 25,000 - was totally destroyed. More than half of the people forced out of this community are currently living in squalid conditions in two airplane hangers on a former United States air base in 3 foot by 3 foot cubicles. 10/

13. During 1990 there have been at least three armed actions on the part of the Panamanian Public Forces and the United States army to dislodge families from sites where they have settled and built homes. In January 1990, 200 families were evicted from their homes in Tucumen. In San Miguelito, 500 families were forcibly evicted on 13 March 1990 by 700 Public Forces officers accompanied by 200 United States soldiers. More than 400 families were driven from their homes in Panama Viejo by Public Forces officers in early 1990. 11/

Evictions and international events

14. From 1985 until the 1988 Summer Olympic Games, 720,000 persons were forcibly evicted from their homes in Seoul, Republic of Korea. Thirteen people died as a result of these actions, and scores of others suffered injury. Over 100 of the 250 designated "redevelopment sites" in Seoul have been evicted thus far. The remaining sites are home to two million people currently threatened with forced removal, 90 per cent of those evicted do not receive compensation. 12/ South Korea ratified the Covenant on Economic, Social and Cultural Rights in July 1990, thus taking on obligations to fulfil, inter alia, the right to adequate housing.

Evictions through demolition

15. During the first months of 1990 up to 10 per cent of the remaining traditional Tibetan housing in the capital city Lhasa was demolished by the

occupying Chinese authorities. At least 1,500 Tibetans were forced into temporary accommodation as a result of these evictions. The Tibetan quarter of Lhasa has been systematically reduced by the Chinese, currently constituting a mere 2 per cent of the city, whereas prior to the Chinese invasion in 1949 it constituted the entire city. 13/

Evictions and land speculation

16. A study published in 1985 found that 269 slum areas, housing 272,000 people in Bangkok, Thailand were under direct threat of eviction. During the first three months of 1990 five major evictions took place, resulting in the removal of thousands of citizens from their homes. A 1989 report states that "Thailand [is] among the countries with the most violent methods to clear away slums. For years, slum people across Bangkok have faced demolition of their dwellings by the authorities, threats from gangsters, and even arson, apart from normal legal procedures of eviction". 14/

17. These illustrative examples of recent evictions show conclusively that the forced removal of persons from their homes is a very real and ongoing global problem. Without serious and long-term action by the international human rights community, particularly the Commission, it is doubtful whether the debilitating practice of eviction will decrease. Evictions must be seen for what they are - a blatant and non-justifiable violation of the internationally recognized rights to adequate housing, to freedom of movement, to privacy and to the right to choose one's residence.

18. Habitat International Coalition encourages the Commission to act immediately with a view to encouraging States to cease the practice of forced eviction.

Notes

1/ Committee on Economic, Social and Cultural Rights, Report of the fourth session (15 January-2 February 1990) (E/C.12/1990/3).

2/ See: Somocurcio and Florian Borbon, "El Proceso de Reordenamiento Urbano y los Desalojos en Santo Domingo", 1989 and COPADEBA, "Remodelación Urbana y Desalojos en Santo Domingo", 1990.

3/ See: HIC, "A Place to Live: News from the Global Campaign for the Right to Housing", June 1990.

4/ Ibid.

5/ See: Weekly Review (Kenya), 1 June 1990.

6/ The Guardian, 18 July 1990.

7/ Reuters, 16 July 1990.

8/ See: Asia Watch Human Rights in Burma (Myanmar), May 1990, pp. 19-24; Dienemann, Peter "400,000 Birmanen zwangsumgesiedelt: Massnahme betrifft vor allem Bewohner in den Hochburgen der Demokratiebewegung" in Die Welt, 17 July 1990.

9/ See: Ben Arrous, Michel "Pluie d'expulsions sur Lagos" ENDA, July 1990.

10/ See: BRECHA: Monthly publication of the Commission for the Defence of Human Rights in Central America (CODEHUCA), January-February 1990, No. 6 and "Invasion Impact Lingers in Panama Slum" in International Herald Tribune, 4-5 August 1990.

11/ CODEHUCA and CONADEHUPA "Panama Delegations Report", No. 2, 16 April 1990.

12/ See: Press release, 12 September 1990, Assessment Mission to the Republic of Korea by the Asian Coalition for Housing Rights and Habitat International Coalition; Battle for Housing Rights in Korea, 1989 and Disposable People: Forced Evictions in South Korea, Catholic Institute for International Relations, 1988.

13/ See: Tibet Information Network, "TIN Housing Supplement, November 1990: Reconstruction in the Old City of Lhasa", 10 November 1990.

14/ See: "Human Rights in Thailand Report", vol. 13, No. 1-2, January-June 1989 and Smucker, P. "Let My People Stay: Bangkok Squatters Fight for Housing Rights" in Development and Cooperation, April 1989.



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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Written statement submitted by Defense for Children International - USA,
a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1991]

1. Much of the rhetoric surrounding the Gulf crisis discounts an essential fact of the technology of modern war - the degree to which children and civilian noncombatants are victimized. In World War I, 90 per cent of the casualties were soldiers, and 10 per cent were civilian women and children. In current wars, an average of 10 per cent of the victims are soldiers, and 90 per cent are civilian women and children.

2. Defense for Children International - USA is appalled at the insensitivity shown to the lives of children when aerial bombardment of a civilian population is potentially condoned as a means of punishing a dictator, even when that dictator is a major human rights violator.

3. Former United Nations Ambassador George Ball states that a lesson he learned as a director of the United States Strategic Bombing Survey in World War II is that "There is no such thing as a 'surgical strike'." Not coincidentally, Ambassador Ball is one of the few observers to have pointed out that 1.5 of the approximately 4 million residents of Baghdad are 14 years old or younger; Ambassador Ball cautions that "America should not take responsibility for wiping out a considerable part of the young generation of Iraqis."

4. The potential casualty totals are devastating. The Centre for Defense Information estimates that in full-scale hostilities, "In the battle for Baghdad, civilian casualties might exceed 100,000." One can extrapolate that 40,000 of these victims would be likely to be children under 14. The children of the Gulf region are among the most disenfranchised populations on earth. They bear no responsibility for the brutal invasion of Kuwait, and must not be required to pay for it with their lives.

5. The United Nations Convention on the Rights of the Child states that "In accordance with their obligations under international humanitarian law to protect civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict." (Art. 38, para. 4).

6. Also applicable are the Geneva Conventions, particularly the Convention Relative to the Protection of Civilian Persons in Time of War, and the Protocols Additional to the Geneva Conventions, as well as the Declaration on the Protection of Women and Children in Emergency and Armed Conflicts which states that "... attacks and bombings on the civilian population inflicting incalculable suffering, especially on women and children ... shall be prohibited."

7. Defense for Children International - USA appeals to the international community to observe those safeguards for the civilian population which the United Nations has established with respect to armed conflicts. These protections are fundamental to children's rights.



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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM
OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Written statement submitted by the International Association Against
Torture, a non-governmental organization in consultative status
(category II)

The Secretary-General has received the following communication,
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[21 December 1990]

FORCED DISAPPEARANCE IN HONDURAS:
EFFECTS ON THE FAMILIES

1. The International Association Against Torture (AICT) believes that the word "torture" applies to all the victims of a repressive policy. In the case of forced disappearances, this must include the family members of the disappeared, who suffer physically and mentally years after the disappearance. To illustrate this point, we submit the following preliminary report on the health of families of the disappeared in Honduras. The information presented here is the result of a scientific study initiated by the AICT, in conjunction with the Committee of Families of Detained-Disappeared in Honduras (COFADEH).

2. To date, there are 143 documented cases of forced or involuntary disappearances in Honduras. The policy of forced disappearance in Honduras was internationally exposed in 1988 when the Interamerican Court of Human Rights meeting in Costa Rica found the Government guilty in the disappearances of two Honduran citizens, Angel Manfredo Velasquez Rodriguez and Soul Godinez Cruz. Despite these rulings, however, the Honduran Government persists in denying responsibility and has not paid the families the indemnization requested by the Court.

3. Twenty-five families (136 persons) took part in the study. These 25 families represent one fourth of the approximately 100 families of the disappeared currently living in Honduras. The families were located in eight towns throughout the country and were visited in their homes by a North American doctor and Honduran assistant over a six-week period (September-October 1990). Relationships to the disappeared were varied and included mothers/fathers/wives, siblings, sons/daughters, nieces/nephews and cousins. The interviews were carried out in Spanish, and guided by a specially designed questionnaire. Information was obtained through self-report (usually through a family spokesperson) and direct observation. When possible, children were talked with directly. Families needed to be assured that their names would not be used in the report for fear of reprisals from the authorities.

Stress-related disorders

4. A constellation of stress-induced disorders had been recognized by the American Psychiatric Association diagnostic manual as sequela of torture both for the direct victim and the family members. Often observed following natural disasters and war, the manual mentions torture as a causative factor, "the trauma may be learning about a serious threat or harm to a close friend or relative, e.g. that one's child has been kidnapped, tortured or killed," and "the disorder is apparently more severe and longer lasting when the stressor is of human design" (DSM-III-R, 1987). Table 1 shows the incidence of occurrence of these symptoms in the 25 families, as a percentage of total family members (percentage of total) and as a percentage of families that showed at least one example of the symptom (percentage of families). To be included, the symptoms had to have commenced subsequent to the disappearance and be currently present.

Table 1. Stress-related symptoms

Symptom	Number of cases	Percentage of total persons	Percentage of families
<u>Sleep disorders</u>	53	40	96
dreams of DP */	28	20	80
insomnia	24	17	76
nightmares,			
sleep walk/talk	16	11	48
depression in a.m.	10	7	40
<u>Anxiety</u>	53	40	100
chronic headaches	33	24	92
stomach aches	16	11	48
palpitations	14	10	56
diaphoresis	13	9	48
dry mouth	12	9	44
shortness of breath	10	7	36
chest pain	6	4	24
Nervous disorders (e.g. tremor)	38	30	68
Disorders of menstruation	12	25 **/	48 **/
Eating disorders	5	4	20
Psychosis requiring medication and/or institutionalization	3	2	12

*/ DP = the disappeared.

**/ Menstruation disorders are calculated as percentage of females of menstruating age (n = 48), and families that contain at least one such female (n = 23).

5. All of the 25 families contained one or more members suffering from at least three of the above symptoms, and of the total 136 persons, 95 (70 per cent) suffered from at least one of the above. As is evident from table 1, sleep disorders and anxiety symptoms were prevalent, occurring in 40 per cent of individuals and 90 per cent and 100 per cent of families, respectively. In most instances, multiple anxiety symptoms were experienced simultaneously when the family member was reminded of the disappeared. This occurred frequently on anniversaries of the disappearance, birthdays, holidays and when people and items associated with the disappeared were encountered.

Children

6. Although the previous statistics include children, table 2 lists problems encountered only in children. There were 70 children 18 years of age and younger, in 22 of the 25 families.

Table 2. Children

Symptom	Number of cases	Percentage of total persons	Percentage of families
<u>All combined</u>	42	60	91
pronounced fear (e.g. of dark)	19	27	50
angry outbursts, oversensitive	15	21	25
drop in scholastic performance	14	20	64
bed wetting	11	16	32
developmental delays	4	8 */	22 */

*/ Developmental delay percentages were calculated as the percentage of children that were seven years old or younger at the time of the disappearance (n = 50), and families that had such children (n = 18).

7. Oversensitivity in the children was exhibited as rapid mood swings and unprovoked crying fits. Drops in scholastic performance were attributable to difficulty in concentration and in many instances the inability of the family to pay school related expenses (tuition, books, uniforms). This was especially acute in those families where the disappeared was the sole provider.

8. Emotional problems were also evident from the children's drawings. Children were provided with a set of colour pens and asked to draw their house and family. The 27 drawings collected from children of families of a disappeared were compared to 18 drawings collected at the same time from Honduran children of families from a similar economic class, but without a history of disappearance. The two groups differed significantly in measures indicating the child's perception of him or herself and the family (e.g. presence of danger signs, contextual cues, paths to house). In addition, many of the drawings from the disappeared were primitively executed suggesting developmental delays.

Fear and isolation

9. Stress in the families is exacerbated by the atmosphere of fear and isolation in which they live. While almost all the families indicated that the disappearance is common knowledge in their neighbourhood, 11/18 families (61 per cent) fear that their neighbours are police or police informers. Such a fear is not unreasonable in Honduras, where the armed forces use the public media to solicit informers to alert them of "suspicious-looking persons in the

neighbourhood". In addition, 14/22 families (64 per cent) have received threats from the authorities subsequent to the disappearance. Finally, a shocking 91 per cent of the families (21/23) fear that another member of the family will become disappeared in the future.

10. According to the Honduran Human Rights Commission, the use of forced disappearance peaked in the mid-1980s and has declined in recent years. This does not signal a retreat from repressive policies, however, because the number of extrajudicial executions during this period has increased. The average number of years since the disappearance for this group of families was 6.4. The presence of so many stress-related health problems so long after the event suggests that the families are suffering far beyond that to be expected from normal grieving. The manner in which the disappeared was taken, the hardships of living without them, and the atmosphere of fear and isolation from the community all contribute to prolonged stress disorders of the kind observed in these families. The Government of Honduras is bound by legal and moral authority to admit its culpability in the policy of forced disappearance and attend to the urgent needs of the families it has so greatly wronged.
